

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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CACHET FINANCIAL SERVICES,

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Plaintiff,

Civil Action No. 19-CV-1181-FJS-
CFH

-against-

MYPAYROLLHR, LLC; MICHAEL MANN;
VALUEWISE CORPORATION; ROSS PERSONNEL :
CONSULTANTS INC.; SOUTHWESTERN
PAYROLL SERVICES INC.; ESSQUE, INC. (D/B/A :
HEUTMAKER BUSINESS ADVISORS); AND DOES
1-10, :
:

Defendants.

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**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PLAINTIFF'S MOTION
FOR ENTRY OF DEFAULT JUDGMENT AGAINST DEFENDANTS MYPAYROLLHR,
LLC, MICHAEL MANN, VALUEWISE CORPORATION, AND ROSS PERSONNEL
CONSULTANTS INC.**

Plaintiff Cachet Financial Services ("Cachet") hereby requests that the Court take judicial notice of the following documents pursuant to Federal Rule of Evidence 201 in support of Cachet's Motion for Entry of Default Judgment ("Motion") Against Defendants MyPayrollHR, LLC, Michael Mann, ValueWise Corporation, and Ross Personnel Consultants, Inc. (the "Defendants").

1. Declaration of Aberash Afsaw submitted in support of Motion for Temporary Restraining Order and Preliminary Injunction (Docket 14), a true and correct copy of which is incorporated herewith and attached hereto as Exhibit "1."

2. Declaration of Evan K. Farber filed in support or the Motion for Temporary Restraining Order and Preliminary Injunction (Docket 14), a true and correct copy of which is incorporated herewith and attached hereto as Exhibit "2."

3. Complaint against the Defendants and others for: (1) breach of contract, (2) fraud, (3) conversion, (4) unjust enrichment, and (5) RICO violations filed on September 23, 2019 (Docket 1), a true and correct copy of which is incorporated herewith and attached hereto as Exhibit “3.”

4. Clerk’s certificate of entry of default dated January 23, 2020 (Docket 70), a true and correct copy of which is incorporated herewith and attached hereto as Exhibit “4.”

The Court can take judicial notice of the above documents. *See, FRE 201; Jacques v. United States R. Retirement Bd.*, 736 F.2d 34, 40 (2nd Cir. 1984); *Kinnett Dairies, Inc. v. Farrow*, 580 F.2d 1260, 1277-78 n. 33 (5th Cir. 1978) (“courts are particularly apt to take notice of material in court files”).

Dated: Los Angeles, California
February 24, 2020

LOEB & LOEB LLP

By: /s/ Donald A. Miller
Daniel A. Platt (NDNY Bar No. 518951)
Donald A. Miller (admitted *pro hac vice*)
Matthew C. Anderson (NDNY Bar No.
701311)
10100 Santa Monica Boulevard, Suite 2200
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(310) 282-2000

Attorneys for Plaintiff Cachet Financial Services

CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2020 I electronically filed the foregoing with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following:

1. Southwestern Payroll Services Inc., d/b/a Southwestern Payroll
2. Essque, Inc., d/b/a Heutmaker Business Advisors

And, I hereby certify that I have mailed by the United States Postal Service the document to the following non-CM/ECF Participants, with an electronic courtesy sent via email to:

1. MyPayrollHR, f/k/a Cloud Payroll LLC
2. Michael Mann
3. ValueWise Corporation
4. Ross Personnel Consultants Inc., d/b/a Ross Consultants

c/o Micahel L. Koenig
Hinckley Allen
30 South Pearl Street, Suite 901
Albany, New York 12207
mkoenig@hinckleyallen.com

Dated: Los Angeles, California
February 24, 2020

/s/ Donald A. Miller
Donald A. Miller